

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 07-1472

UNITED STATES OF AMERICA

v.

DERRICK WILLIAMS,

Appellant

On Appeal From the United States District Court
For the Eastern District of Pennsylvania
(D.C. Civ. No. 94-cr-00462)
District Judge: Honorable Berle M. Schiller

Submitted For Possible Summary Action Under Third Circuit LAR 27.4 and I.O.P. 10.6
July 19, 2007

Before: RENDELL, SMITH AND JORDAN, CIRCUIT JUDGES.

(Filed August 17, 2007)

OPINION

PER CURIAM

Derrick Williams appeals the District Court's orders denying his motion to modify his sentence under 18 U.S.C. § 3582(c)(2) and his motion for reconsideration. In 1995, Williams pled guilty to violations of 21 U.S.C. § 841(a) and 18 U.S.C. § 924 in connection with several drug trafficking arrests. He was sentenced as a career offender to

270 months in prison. After several unsuccessful challenges to his conviction and sentence, Williams filed the instant motion for modification of his sentence pursuant to 18 U.S.C. § 3582(c). The District Court denied the motion as well as Williams's motion for reconsideration. Williams filed a timely notice of appeal.

Williams argues that his sentence should be modified based on Amendment 591 of the Sentencing Guidelines. Amendment 591 changed the language of U.S.S.G. §§ 1B1.1(a) and 1B1.2(a) which are used to determine the guideline to be applied to the offense of conviction. See United States v. Diaz, 245 F.3d 294, 301-02 (3d Cir. 2001). We agree with the District Court that Amendment 591 is not applicable to Williams because he was sentenced as a career offender. The offense level and criminal history for a career offender are determined using U.S.S.G. § 4B1.1.

Summary action is appropriate if there is no substantial question presented in the appeal. See Third Circuit LAR 27.4. For the above reasons, as well as those set forth by the District Court, we will summarily affirm the District Court's order. See Third Circuit I.O.P. 10.6.